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COUNCIL PAPERS, 1698-1701.

(From the originals in the Virginia State Library.)

(CONTINUED)

HER MAJESTYS DECLARATION OF WAR(1) AGAINST
FRANCE AND SPAIN.

Anne R.

Whereas it hath pleased Almighty God to call us to the Governm^t of these Realms at a time when our late dear brother William the third of glorious memory had in pursuance of the repeated advice of the parliament of this Kingdom Entred into solemn Treaties of Alliance with the Emperor of Germany the States General of the United provinces & other princes and potentates for preserving the Liberty and balance of Europe and for reducing the exorbitant power of ffrance Which Treaties are grounded upon the unjust usurpations & encroachm^{ts} of the ffrench King who had taken & still keeps possession of a great part of the Spanish Dominions exercising an absolute authority over all that Monarchy having seized Milan and y^e Spanish Low Countryes by his Armies, and made himself Master of Cadiz, of the entrance into the Mediterranean, and of the ports in y^e Spanish West Indies by his ffleets, every where designing to invade the Libertys of Europe and to obstruct the freedom of Navigation & Commerce: And it being provided by the third and fourth articles of the said Alliance that if in y^e space of two moneths w^{ch} are sometime since expired the injuries complained of were not remedied the parties concerned should mutually assist each other with their whole strength: And whereas instead of giving the satisfaction that ought justly to be expected the ffrench King has not only proceeded to further Violences but has added thereunto a great affront and indignity

1-The War of the Spanish Succession known in American history as Queen Anne's War.

to us and our kingdoms in taking upon him to declare the pretended prince of Wales King of England Scotland & Ireland and has also influenced Spain to concur in y^e same affront & indignity as well as in his other oppressions, We find ourselves obliged for maintaining the publick faith for indicating the honour of our Crown, and for preventing the mischiefs w^{ch} all Europe is threatened with to declare and we do hereby accordingly declare War against France & Spain & placing our entire confidence in the help of Almighty God in so just and necessary an Undertaking We will in conjunction with our Allies vigorously prosecute y^e same by Sea and Land being assured of the ready concurrence and assistance of our Subjects in a cause they have so openly & so heartily espoused. And we do hereby will and Require our Lord high Admiral of England our Gen^l of our fforces, our Lieutenants of our sev^ll Countys Governors of our fforts & Garrisons & all other officers & Soldiers under them by Sea & Land to do and execute all acts of hostility in the prosecution of this War ag^t France & Spain their Vassals & Subjects & to oppose their attempts: Willing and requiring all our Subjects to take notice of the same whom we henceforth strictly forbid to hold any correspondence or Communication with France or Spain or their Subjects: but because there are remaining in our Kingdoms many of the Subjects of france & Spain We do declare our Royal intention to be that all the Subjects of france or Spain who shall demean themselves dutifully towards us shall be safe in their persons & Estates. Given at our Court at St. James's the fourth day of May 1702 in the first year of our Reign.

God save the Queen.

Albany July the 4th 1702

Sir

Yesterday an Express from New York brought me Sev^ll pacq^{ts} in one of which I find the two enclosed for yo^r Excellency, I would have sent them sooner if possible, but the wind being contrary no Sloop could go till now. I suppose in one of them you will find a Declaration of war by England against France & Spain: I therefore intreat the favour of you to take such measures in the province under yo^r Government that in case of

need the Frontiers here may receive the assistance requisite and according to y^e directions from England. I have no news to acquaint you with, therefore shall trouble you no farther at this time but to assure you that I am

Yo^r Excellencys most humble Servant
Cornbury.

LETTER OF MARQUE TO CAPT. THOMAS TUDOR

Barbados

By the hon'ble the president & Council
To Cap^t Tho. Tudor Comand^r of the Brigandine George.

Whereas his late Maty William y^e third King of England &c. did by Commission under the great seal of England bearing date at Westminster the 24 day of July in the ninth year of his Matys reign Constitute and appoint his late Excellency Ralph Grey Esq^r. now the R^t hon'ble Ralph Lord Grey Baron of Wark Cap^t Gen'll & Commander in chief of this and other the Carribbee Islands to windward of Guardaloo &c. by w^{ch} Commission his Maty was pleased to declare & appoint that in case of the death or absence of his said Excell^{'cy} the present Council of this Island should take upon them the administracon of the Governm^t & execute y^e s^d Commission and the sev'll powers and authoritys therein contained untill his s^d Matys pleasure should be known therein. And whereas his s^d Excell^{'cy} is gone off this Island by means whereof the several powers and authoritys therein contained are devolved upon us the hon'ble John ffarmer Esq^r President, the Hon'ble William Sharp Patrick Meyne Tobias frere Michael Terrill David Ramsay Rich^d Scott Benj^a Cryer Thomas Merrick and Sam'll Cox Esq^{rs} the now present Council of this Island. And whereas her most sacred Majesty Anne by the grace of God Queen of England Scotland France & Ireland &c. did by her Royal proclamation bearing date at the Court of St. James's the ninth day of March 1701 declare and appoint that all her Subjects both Military and Civil should continue in their several Stations and employments for the space of Six moneths or her Matys further pleasure.

We therefore the said president and Council reposing especial Trust and confidence in the Loyalty faithfullness Courage valour and ability of you Thomas Tudor Do hereby give you this our Letter of Marque and instructions hereunto annext, authorizing and Commanding you the said Thomas Tudor to resist pursue take, sink, burn or otherwise destroy any Pirate or Pirates or any other Ship or Vessell belonging to her said Majestys Enemys that you shall happen to meet with, proceeding on yo^r aforesaid intended Voyage and you are to have a due regard to the Laws of Nations and all other Laws Statutes & Ordinances in such case made and provided. In testimony whereof I have hereunto sett my hand & caused the great Seal appointed for this and other the Caribbee Islands to be appended this twelfth day of August 1702 and in the first year of her said Matys Reign.

John ffarmer Pred^t.

[Seal]

On the back of this Commission was written this
Virginia ss.

[Seal])By his Excell^{cy} Francis Nicholson Esq^r her Matys
)Lieu^t & Gov^r Gen^{ll} of Virginia and Vice Adm^{ll}
)of the same

In her Matys name I do hereby strictly charge and require all officers Military & civil and all other her Matys Loving Subjects of this her Matys most ancient and Great Colony & Dominion of Virginia to be aiding & assisting to y^e within named Thomas Tudor command^r of the within named Brigandine George in the execution of the within Letter of Marque given him by the R^t hon^{ble} Jn^o Farmer Esq^r President of her Matys Island of Barbados &c. They are not to fail in complying with these my commands as they will answer the contrary at their perill. Given under my hand & Seal at armes at her Matys Royal College of W^m & Mary this 22^d day of Septem^r 1702 in the first year of her Matys Reign.

ffr: Nicholson.

Barbados

By the President

Whereas I have this day given you a Commission or Lett^r of Marque, you are carefully to observe these my following instructions

ffirst you are to observe that you offer no act of hostility to any of the subjects of our Sovereign Lady Queen Anne their Ships or Vessells or to any of the subjects ships or Vessells of her Allies or of the nations in Neutrality.

2'dly. You are to offer no interruption or attempt to seize or take any Ship or Vessell belonging to our Sovereign Lady Queen Anne or any Ship or Vessell under command of any of her s^d Maj^{ties} Subjects.

3'dly. You are to use all yo^r endeavours to bring all and every such pirate & pirates or any other Ship or Vessell belonging to her s^d Matys Enemys whatsoever as shall surrender by conquest and strike into yo^r Commission ports, and to bring the Master or Mate with three or four Seamen to justify you that you killed no man in cold blood, but give quarters after they have struck. Given under my hand this 12th day of August 1702 and in the first year of her Maty Queen Anne's Reign.

John ffarmer Pred^t.

PERMISSION FOR LEWIS BURWELL(2) TO RETIRE
FROM THE COUNCIL.

Anne R.

Trusty and welbeloved We greet you well Whereas it hath

Lewis Burwell of "Carters Creek," Gloucester, and "Kings Creek," York, had been not long before appointed to the Council, but had asked to be relieved. He died Dec. 19, 1710. An abstract of his will, recorded in York Co., is printed in *Wm. & Mary Quarterly*, II, 231. His tomb, formerly at "Carters Creek," but now in Abingdon Churchyard, bears arms and the following inscription:

"Here Lyeth the Body of
Hon'ble Lewis Burwell Son of
Maj. Lewis Burwell & Lucy his wife
Of the County of Gloucester who first married
Abigail Smith of ye family of ye Bacons
by whom he had four Sons and Six Daughters
and after her death to Martha the Widow
of ye Hon'ble William Cole by whom he
also had two Sons and three Daughters and
Departed this Life the 19th Day of December
Anno Domini 1710 Leaving behind him
Three Sons and Six Daughters."

been represented to us that our Trusty and welbeloved Collonel Lewis Burwell appointed to be one of the members of our Council of our Colony and Dominion of Virginia, is desirous by reason of his age & infirmity to be excused from undertaking the said place, And we being willing to grant his said Request have therefore thought fitt hereby to signify our will and pleasure unto you that forthwith upon receipt hereof You do discharge him the said Lewis Burwell from the place of Councelor of our Colony and Dominion of Virginia aforesaid And for so doing this shall be your Warrant And so we bid you farewell. Given at our Court at St. James's this 21st day of May 1702 in the first year of our Reign.

By her Matys Command
Nottingham

To our Trusty & welbeloved Francis Nicholson Esq^r our Lieu^t & Gov^r Gen^ll of our Colony & Dominion of Virginia in America or to our Commander in chief of our said Colony for the time being.

COMMISSION OF PHILIP LUDWELL AS COUNCILLOR
Anne R.

Trusty and welbeloved We greet you well Whereas we are well satisfied of the Loyalty integrity and ability of our Trusty and welbeloved Philip Ludwell Esq^r. We have therefore thought fitt hereby to signify our will and pleasure unto you that forthwith upon receipt hereof you swear & admitt him the said Philip Ludwell to be one of our Council of our Colony and Dominion of Virginia. And for so doing this shall be your warrant. And so we bid you farewell. Given at our Court at St. James's the 21st day of May 1702 in the first year of our Reign.

By her Matys Command
Nottingham

To our Trusty and welbeloved Francis Nicholson Esq^r our Lieuten^t and Govern^r General of our Colony and Dominion of Virginia in America, or to our Commander in chief of our said Colony for the time being.

COMMISSION OF WILLIAM BASSETT(3) AS COUNCILLOR

Anne R.

Trusty and welbeloved We greet you well Whereas we are well satisfied of the Loyaltie, integrity and abilitie of our Trusty and welbeloved William Bassett Esq^r We have therefore thought fitt hereby to signify our will and pleasure to you that forth-with upon receipt hereof You swear and admitt him the said William Bassett to be one of our Council of our Colony and Dominion of Virginia And for so doing this shall be your Warrant. And so we bid you farewell Given at our Court at St. James's the 21st day of May 1702 in the first year of our Reign.

By her Matys Command
Nottingham.

Directed as Coll'o Ludwell

COMMISSION OF HENRY DUKE(4) AS COUNCILLOR

Anne R.

Trusty and welbeloved We greet you well Whereas we are well satisfied of the Loyaltie Integrity and ability of our Trusty and welbeloved Henry Duke Esq^r We have therefore thought

3-William Bassett, of "Eltham," New Kent Co. (born 1670, died Oct. 11 1723). For an account of his family see Keith's "Ancestry of Benjamin Harrison." His tomb, formerly at "Eltham," but now in Hollywood Cemetery, Richmond, bears arms: three bars wavy gules, and the following inscription:

"Here lies inter'd ye Body of ye Hon'ble
William Bassett of ye County of New Kent
Esg^r, son of William Bassett, Esq^r and
Bridget His Wife of ye County of
Southampton in ye Kingdom of England
He married Joanna, Eldest Daughter
Of Lewis Burwell, Esq., with whom
He Happily Lived 29 years and 10 months
And was Blest with 5 sons and 7 Daughters.
He Departed this Life ye 11th of October
1723, in ye 53d year of his Age. He
was a good Christian A Kind and Indulgent Father
An Affectionate, Obliging Husband, A Good
Master: His Loss was
Greatly Lamented by His Country
County and Family, and inexpressibly to
His mournful, Disconsolate Widow,
who also departed this Life ye 7th day
of October, 1727, in the
53d year of her age."

4-Henry Duke, of James City Co., who died in 1713.

fitt hereby to signify our will and pleasure to you that forthwith upon receipt hereof you swear and admitt him the said Henry Duke to be one of our Council of our Colony and Dominion of Virginia. And for so doing this shall be your Warrant. And so we bid you farewell Given at our Court at St. James's the 21st day of May 1702 in the first year of our Reign.

By her Matys Command
Nottingham

Directed as the former

LETTERS IN REGARD TO COL. QUARY(5)

Whitehall June y^e 18th 1702

Gentlemen

Collonel Quarry Judge of the Admiralty and imployed by you in her Matys service in Pensilvania having been detained here longer than was expected upon several affairs before this Board for her Matys service in the plantacons: We have thought fitt to acquaint you therewith, and to let you know that we hope to make such dispatch in those matters as that he may be ready to embark for America the next Week. We take this occasion to informe you that the said Coll'o Quarry in his attendance as well as in his former Correspondencies with us has shown so much Zeal for the service of the Crown, and given such evidences of his ability in the matters committed to his Trust that we conceive he will deserve all further encouragement from her Majesty and yo^r Board. We are

Gentlemen

Yo^r very humble Servants:

Rob: Cecil

Ph: Meadows

W^m Blathwayt

Jn'o Pollexfen

Matth: Prior

A true Copy

W'm Popple.

5-Robt. Quarry who was long an agent of the Commissioners of the Customs in America was appointed to the Councils of several Colonies, to that of Virginia in 1702.

Whitehall June y^e 24th 1702

Sir

You being now upon yo^r departure to Pensilvania and the three Lower Countys, We desire you upon yo^r arrival at New Castle to acquaint the Gentlemen of those Counties that we have received their Letter of the 25th of October last, and have the same under consideration in order to their relieff, And further to assure them from us of her Matys Royal protection and care of their welfare & security. So we bid you heartily farewell

Yo^r very loving Friends

Weymouth

Dartmouth

Rob: Cecill

Ph: Meadows

W^m Blathwayt

John Pollexfen

Mat Prior

To Coll'o Quarry

Whitehall June y^e 24th 1702

My Lord

Collonel Quarry Judge of the Admiralty Court in Pensilvania, and otherwise employed there and in the adjacent Countys by the Comm^{rs} of the Customes in the affairs under their management, having frequently attended us, during sev'll moneths in the prosecution of diverse Complaints ag^t Mr Penn, and the Government of Pensilvania, and in other matters relating to her Matys service in those parts and being now obliged to return thither with the Newfoundland Convoy has offered to us a Memorial Setting forth amongst other things that he come purposely to England for this service, which hath and will cost him 300^lb before he can return besides the charge of several vexatious suites that have fallen upon him here in England: And has thereupon desired us to represent his case to her Majesty for the payment of his said Charges and expenses and that he be secured in the discharge of his duty from the effect of the prejudice and malice of his Enemys occasioned by his Zeal for the service of the Crown.

Whereof being very sensible we desire yo^r Lordp to represent to her Majesty that the said Coll^o Quarry as well in his correspondence with us whilst in America, as in his attendance upon us here hath given us such Evidences of his faithfullness and ability in the matters committed to his Trust, and has been (as we have reason to believe) at so much expence by his Stay and attendance in England, and in defending himself from two vexatious Suits as abovementioned, That we humbly offer he may be reimbursed his said Expences by her Majesty amounting to 300 pounds.

And for his further encouragement and security in the discharge of his duty we humbly propose that her Majesty would please to grant him her Royal Letters of favour & protection, according to the draught here inclosed

And whereas her Matys affairs under his management and the correspondence he is to maintain with us, frequently require his presence in several Colonys, We further conceive that it will be for her Majestys service that he be appointed of the respective Councils of Virginia, Maryland, and New York, and that he be assured of her Matys Royal protection We are

My Lord

Yo^r Lordps most humble Servants

Weymouth

Dartmouth

Rob: Cecill

Ph: Meadows

W^m Blathwayt

Jn^o Pollexfen

Mat Prior.

To the Earl of Nottingham

A true Coppy

W^m Popple.

[Seal]

Anne R

Anne by the grace of God Queen of England, Scotland, France & Ireland Defender of the Faith &c. To all to whom these presents shall come Greeting Whereas we are well satisfied with the faithfullness, dilligence and ability of our Trust and welbe loved Robert Quarry Esq^r and of his Zeal and good affection for

our Service, and he being now returned to America in order to the further carrying on our said Service there in the discharge of the several Trusts committed to him; We do hereby will and Require all our Governors, Lieuten^t Governors, Commanders in chief Magistrates and Officers as well Civil as Military, and all other our Loving Subjects in those parts to be aiding and assisting in their several Stations to the said Robert Quarry, and to have a due regard to him as a person employed by us, and to whom we have thought fitt to extend our Special favour and Royal Protection. Given at our Court at St James's the six & twentieth day of June 1702 in the first year of our Reign.

By her Majestys Command
Nottingham

Sir

I delayed answering Coll'o Nicholson's Letter which you brought me till yo^r Return, I have referred his Excellency to yo^r Narration of affairs here, and I am sure after my duty you will informe him of my good intentions to promote what in me lyes the Interest of the College, and the affairs of his Government; You are sensible of my hurry, and therefore you'll the more easily pardon me for not enlarging I wish you a good Voyage, and all imaginable prosperity being

S^r

Yo^r most faithfull humble servant.

Rich^d Savage.

Custom house Lond'o 1st July 1702.

For his hon^{red} friend Coll'o Robert Quarry

These

Sir

We have received yo^{rs} of the 4th instant from Portsmouth, and as you informe us that you have some particular Instructions from her Maty, and also from the Lords Comm^{rs} for Trade & plantacons to visit several of the Governments on the Continent of America, We are of opinion that you may be of service to this Revenue in the plantacons where you come, and though they be not within the compass of yo^r Commission and Instructions from this Board, Yet we do hereby desire and authorise you to inspect the Bookes and accompts of the several

Officers, as well as their actions & behaviours, and to redress what you shall find amiss, and prejudicial to the interest of the Customs and the Trade and Navigacon of this Kingdom, giving the said Officers the needfull orders and Instructions for the due observance of the Laws in their respective Stations & Capacitys and as anything remarkable shall occur to you, we desire you will not fail to represent them to us for our consideration, We are

S^r

Yo^r Loving friends

Sam Clarke

Ben Overton

Will Culleford

A Maynwaring

Custom house London

7th July 1702

To Collonel Robert Quary

These.

PROCLAMATION IN REGARD TO MINISTERS IN PENNSYLVANIA.

Anne by the Grace of God Queen of England Scotland France and Ireland Defender of the faith &c. To our high Treasurer now being, and to the high Treasurer and under Treasurer of our Excheq^r or Comm^{rs} of the Treasury for the time being Greeting Whereas our late Royal brother King William the third (of blessed memory) by letters under his privy seal bearing date the one and thirtieth day of January last one thousand Seven hundred and one upon the humble peticon of the members of the English Church in Philadelphia praying an Allowance of fifty pounds per annum to a protestant minister, and thirty pounds per annum to a School-M^r for their maintenance out of the duty of one penny per pound in Pensilvania upon Tobacco exported from thence to other our plantacons in America, was graciously pleased to grant and allow the same. And it being our Royal intention that for the encouragement of such Minister and School M^r the said allowance be continued to them. Our will and pleasure therefore is that you give the necessary Orders

and directions to the Collectors of the Customes within the Provinces of Pensilvania, the County of New Castle, and the Lower Countys upon Delaware River, out of the said duty of one penny per pound or such arrears thereof (if any) as have not been appropriated by an act or acts of parliament, to pay or cause to be paid the said allowance of fifty pounds per annum Sterling to such protestant minister as shall be residing within our said province of pensilvania, and thirty pounds Sterling per annum to such Schoolmaster there, The same to be paid quarterly, and to commence from such time as they were paid to, quarterly regularly by vertue of the Letters of privy Seal above mentioned; but in case no payment hath been made thereupon, then to commence from such times as they came and resided respectively in our said Province and to continue during our pleasure. And these our Letters shall be yo' Sufficent warrant and discharge in this behalf. Given under our privy Seal at our palace of Westminster the fifteenth day of July in the first year of our Reign.

[Seal]

Th'o Gosling.

(To be Continued)